

IN THE United States District Court for the Middle District of Tenn

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JAN 25 2013

U.S. DISTRICT COURT  
MID. DIST. TENN.

Gregg Proctor  
vs Plaintiff

Sheriff Jeff Bledsoe

Dickson County Jail

And Southern HEALTH Partners  
Defendant

Come now the Plaintiff, Gregg Proctor, by and through Pro Se, and does respectfully move this Honorable Court for an Order to Obtain Medication Prescribed For Severe pain. In Support thereof, the Defendants do state as follows.

1. On 4.12.07 Plaintiff was injured From a fall on the Job, Plaintiff suffered a Fractured spine and a t-12 burst, a very serious injury.

2. Defendant has been going to Comprehensive Pain Specialist in Dickson TN since on or about October of 2012. Plaintiff was randomly Drug tested and was in good standing with the Pain Specialist.

3. Plaintiff was allowed to use his own insurance to be seen by pain Specialist in November, December and January of

2012 and 2013. Plaintiff was prescribed Methadone for his severe pain in the month of October and November of 2012.

4. The Jail has denied Plaintiff the medication prescribed by a specialist. Plaintiff was taking pain medications from same doctor for at least 8 months prior to incarceration.

5. Plaintiff's pain is very severe to the extent at times breaking out in sweat and becoming sick to his stomach.

6. Based on a serious medical need the Eighth Amendment prohibits the "unnecessary and wanton infliction of pain" *Estelle vs Gamble* - 429 U.S. at 104. Some factors the courts have considered a "serious medical need" is at issue are (1) whether a reasonable doctor would perceive the medical need in question as important and worthy of treatment. (Plaintiff as stated was under care and being treated for chronic pain by same doctor that prescribed said medication)

(2) whether the present condition significantly affects daily activities. (3) and the

existence of chronic and substantial pain. Brock v Wright, 315 F 3d 158, 162 (2nd Cir. 2003) (internal quotation marks omitted.) Additionally, courts will be likely to find a "serious medical need" if a condition "has been diagnosed by a physician as mandating treatment or is so obvious that even a lay person would easily recognize the necessity of a doctor's attention."

Plaintiff having been treated prior to incarceration and prescribed a medication by a specialist whom has treated Plaintiff for an extended time. Prays for intervention and relief from the Honorable Courts and allowed the same treatment as if Plaintiff was not incarcerated.

Respectfully Submitted  
Gregory P. Proctor